

ORIGINAL

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

In re Application of )  
 )  
**ENTERCOM LICENSE, LLC** ) MB Docket No. 16-357  
 )  
FM Broadcast Station KDND, ) File No. BRH-20050728AUU  
Sacramento, California ) File No. BRH-20130730ANM  
 ) Facility ID # 65483  
 )  
For Renewal of License )

Accepted / Filed

TO: Office of the Secretary

FEB 10 2017

ATTN: The Commission  
Chief Administrative Law Judge  
Chief, Audio Division, Media Bureau

Federal Communications Commission  
Office of the Secretary

**COMMENTS OF EDWARD R. STOLZ II**

Edward R. Stolz II (Stolz), by his attorney, and pursuant to 47 CFR §1.3, hereby respectfully submits these Comments in response to the letter to the Chief, Audio Division, Media Bureau of the Commission dated February 8, 2017 by Entercom License, LLC (Entercom) and e-mailed to the undersigned. In so doing whereof, the following is shown:

1. The contents of the letter are as follows:

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Dear Mr. Doyle:

Entercom License, LLC ("Entercom"), pursuant to 47 C.F.R. § 73.1750, and as a follow-up to its letter to you dated February 3, 2017, hereby forwards the station license for KDND(FM), 107.9 MHz, Sacramento, California (Facility ID No. 65483) and other KDND instruments of authorization to the Commission for cancellation in light of Entercom's permanent discontinuance of operation of KDND.

Please contact the undersigned with any questions regarding this matter.

Sincerely,



David H. Solomon  
Kenneth E. Satten  
*Counsel for Entercom License, LLC*

2. Stolz has attempted to intervene in the above-captioned proceeding; he has a Petition for Reconsideration pending before the Commission of the **Hearing Designation Order and Notice of Opportunity for Hearing**, FCC 16-153, released November 28, 2016 which denied him intervenor status.

3. Stolz believes that the hearing issues designated against Entercom in the KDND matter are relevant as to whether Entercom possesses the basic qualifications, including character qualifications, to be a Commission licensee of any of the stations in its Sacramento cluster.

4. It is to be noted that the Chief, Audio Division, Media Bureau, issued an unreported letter ruling dated January 18, 2017 granting the renewal of license

applications for the remaining stations in Entercom's Sacramento cluster, to wit:

**KUDL(FM), Sacramento, CA**

Facility ID No. 57889  
File No. BRH-20050728ATP  
File No. BRFT-20130730ANC

**KRXQ(FM), Sacramento, CA**

Facility ID No. 20354  
File No. BRH-20050728AUQ  
File No. BRH-20130730ANI

**KSEG(FM), Sacramento, CA**

Facility ID No. 11281  
File No. BRH-20050728ATX  
File No. BRH-20130730ANK

**KKDO(FM), Fair Oaks, CA**

Facility ID No. 57889  
File No. BRH-20130730ANC

**KIFM(AM), West Sacramento, CA**

Facility ID No. 67848  
File No. BR-20130730ANG

5. Entercom must not be allowed to walk away from the serious hearing issues in the above-captioned docket, particularly in light of the news reported by the financial press that Entercom has reached an agreement to acquire through a merger some 177 radio broadcast stations currently owned by CBS Radio. See *CBS Radio-Entercom Merger Is Great News For Radio* (Forbes magazine, February 5, 2017, <http://www.forbes.com/sites/charleswarner/2017/02/05/cbs-radio-entercom-merger-good-for-radio/#5b2839292463>). (Official notice requested).

6. Therefore, since in light of the unresolved hearing issues in Docket 16-357 neither the Commission nor its staff acting pursuant to delegated authority can make the statutory finding that the applicant for renewal of licenses of the five stations listed in paragraph 4 above will serve the public interest, convenience and necessity, it is imperative that the Commission (or the Chief, Audio Division, Media Bureau) vacate the January 18, 2017 letter ruling of the Chief, Media Bureau, return all five stations listed in paragraph 4 above to pending status, and then designate all of their renewal applications for hearing, either in Docket 16-357 or in another docket, and try all of the hearing issues designated against Entercom relative to its operation of KDND to determine whether Entercom has the basic statutory qualifications to be licensee of any of its remaining Sacramento, California market radio cluster stations.

7. Stolz would then renew his request to be granted intervenor status in such hearing.

8. Stolz requests pursuant to Section 1.3 of the Rules that these Comments be included in the record in the above-captioned docket and considered by the Commission, the

Chief Administrative Law Judge and/or the Chief, Audio Division, Media Bureau. Section 1.3 states as follows:

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the [Commission](#), subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the [Commission](#) on its own motion or on petition if good cause therefor is shown.

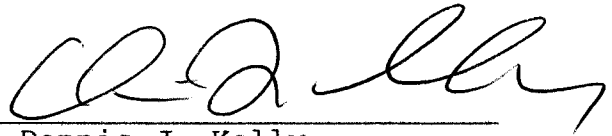
9. Given that Entercom is engaging in strategy to avoid serious charges in order to be able to control an additional 177 radio broadcast station, the Commission has an obligation not only to Stolz and to the intervenors in Docket 16-357, but to the public at large pursuant to Sections 308 and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§308-309, to ensure that Entercom possesses the basic statutory qualifications to be a Commission licensee in the Sacramento, California radio market.

WHEREFORE, Edward R. Stolz II urges that the foregoing Comments **BE CONSIDERED**, and that the hearing issues designated against KDND **BE CARRIED OVER AND TRIED** in connection with the renewal of license applications filed by Entercom License, LLC and/or affiliated entities for KUDL(FM), KRXQ(FM), KSEG(FM), KDDO(FM) and KIFM(AM).

Respectfully submitted,

**EDWARD R. STOLZ II**

By



Dennis J. Kelly  
His Attorney

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DATED: February 10, 2017

## CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Comments, etc." were served by first-class mail, postage prepaid, or by e-mail to FCC personnel as indicated below, on this 10<sup>th</sup> day of February, 2017 upon the following:

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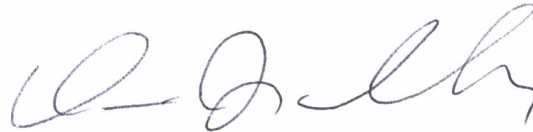
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